

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

HITACHI MEDICAL SYSTEMS	)	CASE NO. 5:11CV436
AMERICA, INC.,	)	
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	
ENVISION OPEN MRI, LLC,	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>
	)	
DEFENDANT.	)	
	)	

On December 30, 2011, plaintiff filed a motion to compel discovery. (Doc. No. 31.) By Order dated January 5, 2012, the Court directed that defendant's response to the motion would be due no later than January 20, 2012 and that "[f]ailure to respond may result in sanctions up to and including an adverse judgment in the case." (Doc. No. 33.) Because defendant was not represented by counsel at the time, the Court directed the clerk to mail a copy of the Order to the defendant at its address of record. No opposition to the motion to compel has been filed.

On January 26, 2012, plaintiff filed a motion to dismiss the complaint and counterclaims. (Doc. No. 34.) In the motion, plaintiff represents that the parties have settled all claims and the settlement amount has been paid. However, because defendant remains unrepresented, no stipulated dismissal can be presented to the Court for approval. Plaintiff, therefore, filed the motion to dismiss. No opposition has been received.

In light of the above, plaintiff's motion to dismiss is **GRANTED** and all claims and counterclaims are **DISMISSED with prejudice**.

**IT IS SO ORDERED.**

Dated: February 27, 2012

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**